

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**DARYL L. DAVIS,  
TDCJ-CID# 802738  
Plaintiff,**

**v.**

**MICHAEL MCDUFFIE,  
Defendant.**

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**CIVIL ACTION NO. 9:07-CV-19**

**DEFENDANT MCDUFFIE’S RESPONSE TO PLAINTIFF’S MOTION FOR MOTION  
FOR REIMBURSEMENT OF ATTORNEY FEES AND EXPENSES**

Defendant Michael McDuffie, by and through his counsel, files this Response to Plaintiff’s Motion For Reimbursement Of Attorney Fees And Expenses. In support thereof, Defendant respectfully offers the following:

After receiving a copy of Plaintiff’s Motion For Reimbursement Of Attorney Fees And Expenses via the Electronic Filing Notification, Defendant was able to review it and understand that Plaintiff’s counsel is requesting reimbursement of his attorney fees and expenses from the Eastern District’s Plan For the Reimbursement of Attorney Fees and Expenses in Non-criminal Justice Act (“CJA”) cases. Defendant makes no objections to the motion and withdraw all opposition to it.

Respectfully submitted,

**GREG ABBOTT**  
Attorney General of Texas

**DANIEL T. HODGE**  
First Assistant Attorney General

**BILL COBB**  
Deputy Attorney General for Civil Litigation

**RUTH R. HUGHS**  
Director of Defense Litigation

**DAVID A. TALBOT, JR.**  
Assistant Attorney General  
Chief, Law Enforcement Defense Division

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/s/ Nadine Phillpotts

NADINE PHILLPOTTS  
Assistant Attorney General  
Attorney-In-Charge  
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**ATTORNEYS FOR DEFENDANT MCDUFFIE**

**NOTICE OF ELECTRONIC FILING**

I, NADINE PHILLPOTTS, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above an foregoing in accordance with the Electronic Case Files system of the Eastern District of Texas, on this the 10<sup>th</sup> day of September 2010.

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/s/ Nadine Phillpotts

NADINE PHILLPOTTS  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, NADINE PHILLPOTTS, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant McDuffie's Response to Plaintiff's Motion For Reimbursement Of Attorney Fees And Expenses** has been served on all counsel on record electronically as authorized in Federal Rules of Civil Procedure Rule 5(b)(2) and Local Rule CV 5(d), on this 10<sup>th</sup> day of September 2010.

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/s/ Nadine Phillpotts

NADINE PHILLPOTTS  
Assistant Attorney General